

Executive Officer's Summary Report  
9:00 a.m., April 23, 2009  
Fortuna River Lodge Conference Center  
Chinook Room  
1800 Riverwalk Drive  
Fortuna, California

Item: 2

Subject: Public Hearing on Order No. R1-2009-0024 to consider whether to affirm, reject, or modify an Administrative Civil Liability Order for violation of Waste Discharge Requirements Order No. R1-2000-23 in the matter of **University of California Davis Bodega Marine Lab**

### DISCUSSION

ACL Complaint No. R1-2008-0056 was issued on May 1, 2008 for violations of Waste Discharge Requirements Order No. R1-2000-23 (NPDES Permit No. CA 0024333), WDID No. 1B840350SON, from January 1, 2000 to February 29, 2008. The total proposed ACL for \$63,000 is the minimum penalty for effluent limitation violations mandated by the Water Code section 13385, subdivisions (h) and (i).

In response to the Complaint, the University of California, Davis Bodega Marine Lab waived its right to a public hearing and requested to pay the sum of \$10,000 to the State Water Pollution Cleanup and Abatement Account (CAA) and to spend the remaining balance of \$53,000 on two Compliance Projects (CPs). The Marine Lab paid \$10,000 into the CAA. Since that time, Regional Water Board staff determined that the Marine Lab does not meet the requirements to qualify for a CP. The Marine Lab had the option to either pay the full outstanding penalty of \$53,000 or to propose a Supplemental Environmental Project (SEP) in an amount up to \$39,000 and pay the balance of the penalty to the CAA. The Marine Lab chose the second option, and submitted a draft SEP proposal on December 22, 2008. On January 29, 2009, Regional Water Board staff approved a revised SEP proposal for a project that will cost more than \$39,000, and the discharger paid \$14,000 to the CAA.

The proposed SEP will enable the Marine Lab to monitor pH offshore of the Sonoma Coast to document trends in ocean acidification. The Marine Lab will install a new pH sensor on its existing mooring off the Sonoma Coast. Data from this project will provide a baseline of infection to assist in evaluating future trends in ocean conditions. As an added benefit, real-time data from the sensors will be available via the Marine Lab's webpage. The SEP is estimated to cost approximately \$60,000, which will fulfill the outstanding \$39,000 balance.

The proposed order acknowledges the Marine Lab's payment of \$24,000 to the Cleanup and Abatement Account and contains a time schedule for the SEP. All work associated with the SEP will be completed by January 15, 2010. The Marine Lab concurs with the time schedule contained in the proposed order.

A copy of the draft was mailed to the Marine Lab and interested parties, and was passed on the Regional Water Board's website.

PRELIMINARY STAFF  
RECOMMENDATION:

Adopt the Order as proposed.